

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00796-TNM**

ENVIRONMENTAL INTEGRITY PROJECT et al v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 04/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ENVIRONMENTAL INTEGRITY PROJECT

represented by **Eric V. Schaeffer**
ENVIRONMENTAL INTEGRITY PROJECT
1000 Vermont Avenue, NW
Suite 1100
Washington, DC 20005
(202) 263-4440
Fax: (202) 296-8822
Email: eschaeffer@environmentalintegrity.org
ATTORNEY TO BE NOTICED

Sylvia Lam
ENVIRONMENTAL INTEGRITY PROJECT
1000 Vermont Avenue, NW
Suite 1100
Washington, DC 20005
(202) 888-2701
Fax: (202) 296-8822
Email: slam@environmentalintegrity.org
ATTORNEY TO BE NOTICED

Plaintiff

CLEAN WATER ACTION

represented by **Eric V. Schaeffer**
(See above for address)
ATTORNEY TO BE NOTICED

Sylvia Lam
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

ENVIRONMENT AMERICA

represented by **Eric V. Schaeffer**
(See above for address)
ATTORNEY TO BE NOTICED

Sylvia Lam
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

NORTHWEST ENVIRONMENTAL ADVOCATES

represented by **Eric V. Schaeffer**
(See above for address)
ATTORNEY TO BE NOTICED

Sylvia Lam
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **April Denise Seabrook**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2525
Fax: (202) 252-2599
Email: april.seabrook@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Mark Nebeker
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2536
Fax: (202) 252-2599
Email: mark.nebeker@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/09/2018	<u>1</u>	COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5411483) filed by NORTHWEST ENVIRONMENTAL ADVOCATES, ENVIRONMENTAL INTEGRITY PROJECT, ENVIRONMENT AMERICA, CLEAN WATER ACTION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons EPA, # <u>9</u> Summons US Attorney General, # <u>10</u> Summons US Attorney for DC)(Lam, Sylvia) (Attachment 7 replaced on 4/9/2018) (zmd). (Entered: 04/09/2018)
04/09/2018	<u>2</u>	Corporate Disclosure Statement by CLEAN WATER ACTION, ENVIRONMENT AMERICA, ENVIRONMENTAL INTEGRITY PROJECT, NORTHWEST ENVIRONMENTAL ADVOCATES. (Lam, Sylvia) (Main Document 2 replaced on 4/10/2018) (ztd). (Entered: 04/09/2018)
04/09/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 04/09/2018)
04/09/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 04/09/2018)
04/10/2018	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 4/10/2018. (lctnm2) (Entered: 04/10/2018)
04/19/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/16/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/16/2018. (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Electronic Confirmation)(Lam, Sylvia) (Entered: 04/19/2018)
04/19/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/16/2018. (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Electronic Confirmation)(Lam, Sylvia) (Entered: 04/19/2018)
04/19/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 4/16/2018 (Attachments: # <u>1</u> Certified Mail Receipt, # <u>2</u> USPS Electronic

		Confirmation)(Lam, Sylvia) (Entered: 04/19/2018)
04/20/2018	<u>8</u>	NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 04/20/2018)
05/16/2018	<u>9</u>	ANSWER to Complaint by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Seabrook, April) (Entered: 05/16/2018)
05/17/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before June 7, 2018. Signed by Judge Trevor N. McFadden on 5/17/18. (lctnm2) Modified on 5/17/2018 to change deadline from May to June (hmc). (Entered: 05/17/2018)
05/17/2018		Set/Reset Deadlines: Parties shall meet and confer and file a Joint Status Report by 6/7/2018. (hmc) (Entered: 05/17/2018)
06/07/2018	<u>10</u>	Joint STATUS REPORT by CLEAN WATER ACTION, ENVIRONMENT AMERICA, ENVIRONMENTAL INTEGRITY PROJECT, NORTHWEST ENVIRONMENTAL ADVOCATES. (Attachments: # <u>1</u> Text of Proposed Order)(Lam, Sylvia) (Entered: 06/07/2018)
06/08/2018	<u>11</u>	ORDER setting a schedule for this matter. See Order for details. Signed by Judge Trevor N. McFadden on 6/8/2018. (lctnm2) (Entered: 06/08/2018)
06/11/2018		Set/Reset Deadlines: EPA's first production of records due by 7/12/2018. EPA's estimated total due by 8/12/2018. Joint Status Report due by 8/29/2018. (hmc) (Entered: 06/11/2018)
08/23/2018	<u>12</u>	NOTICE of Appearance by William Mark Nebeker on behalf of All Defendants (Nebeker, William) (Entered: 08/23/2018)
08/23/2018	<u>13</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 08/23/2018)
08/24/2018		MINUTE ORDER granting Defendant's <u>13</u> Unopposed Motion for an Enlargement of Time. The parties shall now file a Joint Status Report on or before September 28, 2018, which shall include (1) the estimated date by which production will be completed, and (2) the number of potentially responsive documents that the EPA will review between each monthly production. SO ORDERED.Signed by Judge Trevor N. McFadden on 8/24/2018. (lctnm2) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Joint Status Report due by 9/28/2018. (hmc) (Entered: 08/24/2018)
08/30/2018	<u>14</u>	NOTICE of Appearance by Eric V. Schaeffer on behalf of All Plaintiffs (Schaeffer, Eric) (Entered: 08/30/2018)
09/28/2018	<u>15</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Seabrook, April) (Entered: 09/28/2018)
10/02/2018	<u>16</u>	ORDER. Upon consideration of the parties' <u>15</u> September 28, 2018, Joint Status Report, the Court orders the parties to adhere to the schedule detailed in the attached order. The parties are further ordered to file a Joint Status Report on November 28, 2018, and the parties will file Joint Status Reports on or before the 28th of every other month thereafter. Signed by Judge Trevor N. McFadden on 10/02/2018. (lctnm2) (Entered: 10/02/2018)
10/02/2018		Set/Reset Deadlines: Joint Status Report due by 11/28/2018, and every other month thereafter. (hmc) (Entered: 10/02/2018)

11/28/2018	<u>17</u>	Joint STATUS REPORT by CLEAN WATER ACTION, ENVIRONMENT AMERICA, ENVIRONMENTAL INTEGRITY PROJECT, NORTHWEST ENVIRONMENTAL ADVOCATES. (Lam, Sylvia) (Entered: 11/28/2018)
12/26/2018	<u>18</u>	MOTION to Stay of All Proceedings by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Seabrook, April) (Entered: 12/26/2018)
01/07/2019		MINUTE ORDER granting <u>18</u> Motion to Stay. Upon considering the Defendants' <u>18</u> Motion to Stay, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice and the Environmental Protection Agency. It is further ordered that the Defendants will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/7/2019. (lctnm2) (Entered: 01/07/2019)
01/29/2019	<u>19</u>	NOTICE OF RESTORED GOVERNMENT FUNDING by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Nebeker, William) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. Upon considering the Defendant's <u>19</u> Notice of Restored Government Funding, it is hereby ordered that the stay in this case is lifted. It is further ordered that the <u>16</u> production order is reinstated. The parties shall meet and confer, and submit a Joint Status Report on or before February 28, 2019. Signed by Judge Trevor N. McFadden on 01/30/2019. (lctnm2) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/28/2019. (hmc) (Entered: 01/30/2019)
02/28/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Nebeker, William) (Entered: 02/28/2019)
02/28/2019		MINUTE ORDER. Upon considering the parties' <u>20</u> Joint Status Report, it is hereby ordered that the parties shall follow the following schedule: The Defendant shall continue to review 500 records per month; on or before March 15, 2019, the Defendant shall make its next production; the Defendant shall make rolling productions on the 15th of every month thereafter (if the 15th falls on a weekend or holiday the Defendant shall make the production on the next business day). It is further ordered that the parties shall file a Joint Status Report on or before April 29, 2019, and every 60 days thereafter. Signed by Judge Trevor N. McFadden on 02/28/2019. (lctnm2) (Entered: 02/28/2019)
03/01/2019		Set/Reset Deadlines: Defendant's next production due by 3/15/2019, and on the 15th of every month thereafter. Joint Status Report due by 4/29/2019, and every 60 days thereafter. (hmc) (Entered: 03/01/2019)
04/29/2019	<u>21</u>	Joint STATUS REPORT by CLEAN WATER ACTION, ENVIRONMENT AMERICA, ENVIRONMENTAL INTEGRITY PROJECT, NORTHWEST ENVIRONMENTAL ADVOCATES. (Lam, Sylvia) (Main Document 21 replaced on 5/1/2019) (zthh). (Entered: 04/29/2019)
04/30/2019		MINUTE ORDER. Upon considering the parties' <u>21</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before July 28, 2019 and every three months thereafter (or the next business day, if the production date falls on a Saturday, Sunday, or other day on which the government is closed). Signed by Judge Trevor N. McFadden on 04/30/2019. (lctnm2) (Entered: 04/30/2019)
04/30/2019		Set/Reset Deadlines: Joint Status Report due by 7/28/2019, and every three months thereafter. (hmc) (Entered: 04/30/2019)
07/29/2019	<u>22</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Seabrook, April) (Entered: 07/29/2019)
09/23/2019		MINUTE ORDER. The parties are hereby ordered to appear for a Status Conference before Judge Trevor N. McFadden on November 4, 2019 at 10 AM in Courtroom 2. Signed by Judge Trevor N. McFadden on 09/23/2019. (lctnm2) (Entered: 09/23/2019)
09/23/2019		Set/Reset Hearings: Status Conference set for 11/4/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 09/23/2019)

10/28/2019	<u>23</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Seabrook, April) (Entered: 10/28/2019)
11/04/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 11/4/2019. Joint Status Report due by 11/29/2019. (Court Reporter: Cathryn Jones.) (hmc) (Entered: 11/04/2019)
11/22/2019	<u>24</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Seabrook, April) (Entered: 11/22/2019)
11/22/2019		MINUTE ORDER. Upon consideration of the parties' <u>24</u> Joint Status Report, the parties are hereby ORDERED to file a further Joint Status Report on or before January 22, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/22/2019. (lctnm2) (Entered: 11/22/2019)
11/25/2019		Set/Reset Deadlines: Joint Status Report due by 1/22/2020. (hmc) (Entered: 11/25/2019)